

**COUNCIL OF THE CITY OF SEAT PLEASANT, MARYLAND CHARTER
AMENDMENT RESOLUTION NO. CA-22-04**

Introduced by: City Council

Date Introduced: October 4, 2021

First Reading: October 4, 2021

Second Reading:

Date Adopted: October 4, 2021

Date Effective: November 23, 2021

RE-ENACTMENT OF CHARTER AMENDMENT RESOLUTION CA-21-08 OF THE CITY COUNCIL OF SEAT PLEASANT APPROVED BY THE CITY COUNCIL ON MAY 3, 2021. A CHARTER AMENDMENT RESOLUTION OF THE COUNCIL OF THE CITY OF SEAT PLEASANT, passed pursuant to the authority of Article XI-E of the Constitution of Maryland and §§ 4-302(1) and 4-304 of the Local Government Article of the Maryland Annotated Code to amend the Charter of the City of Seat Pleasant (as published in Municipal Charters of Maryland, Vol. 11 (2021 Replacement Edition and March 2021 Supplement) for purpose of amending certain sections of the City Charter and providing that the title of this Charter Amendment Resolution shall be deemed a fair summary;

RECITALS

WHEREAS, pursuant to Article XI-E, § 3 of the Constitution of Maryland, the Council of the City of Seat Pleasant (the "Council"), as the legislative body of The City of Seat Pleasant, Maryland (the "City"), is authorized and empowered to amend the Charter of the City of Seat Pleasant (the "Charter"); and

WHEREAS, pursuant to Article XI-E, § 4 of the Constitution of Maryland, an amendment to the Charter shall be proposed either by a resolution of the Council or by a petition containing the signatures of at least twenty (20) percent of the registered voters of the City and filed with the Council; and

WHEREAS, pursuant to Md. Code Ann., Local Gov't §§ 4-302(1) and 4-304, the Council may initiate a proposed amendment or amendments to the Charter by a resolution which, except as otherwise specified in Title 4, Subtitle 3 of the Local Government Article, is adopted in the same manner as other resolutions in the City by a majority of all the individuals elected to the Council, as the legislative body of the City, and the same shall be subject to the right of referendum; and

WHEREAS, the Council has determined that the Charter amendments set forth herein are necessary for a more effective and efficient means of government; and

WHEREAS, the Council, to provide for the reasonable and appropriate representation of the citizens of the City and to provide for the better management and governance of the City and its affairs, deems it necessary and appropriate for the good government and citizens of the City to amend certain provisions of the Charter as set forth herein.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that, pursuant to the authority of Article XI-E of the Constitution of Maryland and §§ 4-302(1) and 4-304 of the Local Government Article of the Maryland Annotated Code, the Municipal Charter of the City of Seat Pleasant (as published in Municipal Charters of Maryland, Vol. 11 (2021 Replacement Edition and March 2021 Supplement) be, and the same is hereby, amended as follows:

SECTION 1. BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that the following changes and NEW section are made to § C-622, C-810, C-812, C-820, C-909, C-910, C-1302, C-1402, C-1403, C-1405, C-1502, and § C-1601 of the Charter:

§C-622 RECALL OF ELECTED OFFICIAL PROCEDURES

THE MAYOR OR A CITY COUNCILMEMBER MAY BE RECALLED AND REMOVED FROM OFFICE IN ACCORDANCE WITH THE FOLLOWING PROCEDURE:

- A. REGISTERED VOTERS MAY FILE A PETITION SIGNED BY AT LEAST TWENTY (20) PERCENT OF THE REGISTERED AND QUALIFIED VOTERS OF THE CITY WITH THE CITY CLERK FOR THE RECALL OF ANY COUNCILMEMBER OR MAYOR WITH SIX (6) OR MORE MONTHS REMAINING IN HIS OR HER TERM. A SPECIAL RECALL ELECTION SHALL BE HELD IF TWENTY PERCENT (20%) OF THE REGISTERED VOTERS, WITHIN THE WARD OF THE AFFECTED COUNCILMEMBER OR WITHIN THE CITY FOR COUNCILMEMBERS ELECTED AT LARGE OR THE MAYOR, HAVE SIGNED THE PETITION WITHIN THIRTY (30) DAYS OF ITS FILING. REGISTERED VOTERS ARE THOSE PERSONS QUALIFIED TO VOTE IN A GENERAL CITY ELECTION AS CERTIFIED BY THE BOARD OF SUPERVISORS OF ELECTIONS.
- B. THE QUALIFIED REGISTERED VOTERS SIGNING SUCH PETITION SHALL DATE AND SIGN THE SAME AS THEIR NAMES APPEAR ON THE CITY'S ELECTION RECORDS AND UNDER EACH SIGNATURE SHALL BE TYPED OR PRINTED EACH PETITIONER'S NAME, CURRENT ADDRESS. AT THE BOTTOM OF EACH PAGE OF THE PETITION, THE INDIVIDUAL CIRCULATING THE PETITION SHALL SIGN THE SAME AND MAKE AN AFFIDAVIT BEFORE A NOTARY PUBLIC THAT HE OR SHE CIRCULATED THE PETITION AND SAW EACH INDIVIDUAL WHOSE NAME APPEARS THEREON SIGN THE SAME IN HIS OR HER PRESENCE.
- C. THE PETITION SHALL STATE SPECIFICALLY THE JUSTIFICATION FOR RECALL OF THE MAYOR OR A COUNCILMEMBER, FOR ONE OR MORE OF THE REASONS SET FORTH IN SECTION C-310 AND/OR MALFEASANCE IN OFFICE, MISFEASANCE IN OFFICE OR NONFEASANCE IN OFFICE.
- D. UPON RECEIPT OF THE PETITION, THE CITY CLERK SHALL REFER THE PETITION TO THE CITY BOARD OF SUPERVISORS OF ELECTIONS FOR

VERIFICATION OF THE SIGNATURES. UPON VERIFICATION OF THE SIGNATURES ON THE PETITION, THE CITY BOARD OF SUPERVISORS OF ELECTIONS SHALL IMMEDIATELY REPORT ITS FINDINGS TO THE MAYOR AND COUNCIL AT THE NEXT SCHEDULED MEETING, BUT NO LATER THAN 21 DAYS FROM THE DATE THE PETITION WAS REFERRED TO THE BOARD OF SUPERVISORS OF ELECTIONS. IF THE BOARD OF SUPERVISORS OF ELECTION HAS DETERMINED THAT A VALID RECALL PETITION CONTAINING A SUFFICIENT NUMBER OF SIGNATURES FROM QUALIFIED VOTERS HAS BEEN SUBMITTED, THE BOARD OF SUPERVISORS OF ELECTION SHALL SCHEDULE THE SPECIAL RECALL ELECTION WITHIN THIRTY (30) DAYS OF CERTIFICATION OF THE PETITION. SET A DATE FOR A REFERENDUM TO BE HELD WITHIN SIXTY DAYS OF THE PETITION VERIFICATION. IF THE OFFICIAL SUBJECT TO THE RECALL WAS ELECTED FROM A WARD, ONLY THE REGISTERED VOTERS FROM THAT WARD MAY VOTE IN THE RECALL ELECTION; OTHERWISE, ALL QUALIFIED VOTERS OF THE CITY MAY PARTICIPATE IN THE RECALL ELECTION.

- E. THE VOTING BALLOT WILL CONTAIN THE OFFICIAL'S NAME AND THE CHOICE OF "REAFFIRM" OR "REMOVE." IN ORDER FOR THE OFFICIAL TO BE REMOVED, A MAJORITY OF THOSE VOTING MUST VOTE "REMOVE."
- F. THE VOTING SHALL BE CONDUCTED IN THE SAME MANNER AS PRESCRIBED HEREIN FOR GENERAL CITY ELECTIONS; AND, IF REMOVAL RESULTS, THE VACANCY WILL BE FILLED AS PROVIDED IN SECTION C-309.

§ C-810 Notice of Tax Levy

Immediately after the levy is made by the Council in each year, the ~~City Treasurer~~ CHIEF FINANCIAL OFFICER shall give notice of the making of the levy by posting a notice thereof in some public place or places in the City. He OR SHE shall make out and mail or deliver in person to each taxpayer or his OR HER agent at ~~his~~-THEIR last known address a bill or account of the taxes due from ~~him~~ THEM. This bill or account shall contain a statement of the amount of real estate property with which the taxpayer is assessed, the rate of taxation, the amount of taxes due, and the date on which the taxes will bear interest. Failure to give or receive notice required by this section shall not relieve any taxpayer of the responsibility to pay on the dates established by this Charter all taxes levied on ~~his~~-THEIR property.

§ C-812 Sale of Tax Delinquent Property

ANY UNPAID, STATE, COUNTY AND CITY TAXES ON REAL PROPERTY CONSTITUTE A LIEN ON THE REAL PROPERTY FROM THE DATE THEY BECOME DUE UNTIL PAID, as provided by § C-811 of this Charter AND §14-804 ET SEQ. OF THE TAX-PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND. ~~shall be turned over by the City Treasurer to the official of the county responsible for the sale of tax delinquent property as provided in State law. All property listed thereon shall if necessary be sold for taxes by this county official, in the manner prescribed by State law.~~

(1) EXCEPT AS PROVIDED IN THIS PARAGRAPH (2) OF THIS SUBSECTION, ALL UNPAID TAXES ON REAL PROPERTY SHALL BE, UNTIL PAID, LIENS ON THE REAL PROPERTY IN RESPECT TO WHICH THEY ARE IMPOSED FROM THE DATE THEY BECAME OR BECOME PAYABLE.

(2) A LIEN ON REAL PROPERTY UNDER PARAGRAPH (1) OF THIS SUBSECTION TERMINATES 20 YEARS AFTER THE DATE THAT THE LIEN ATTACHES TO THE REAL PROPERTY.

(B) (1) ALL UNPAID TAX ON PERSONAL PROPERTY IS A LIEN ON THE PERSONAL PROPERTY AND ON THE REAL PROPERTY OF THE OWNER OF THE PERSONAL PROPERTY IN THE SAME MANNER IN WHICH TAXES ON REAL PROPERTY ARE NOW LIENS ON THE REAL PROPERTY WITH RESPECT TO WHICH THEY ARE IMPOSED IN ALL SUBDIVISIONS OF THE STATE; PROVIDED THAT THE LIEN WILL ATTACH TO THE REAL PROPERTY ONLY AFTER THE NOTICE HAS BEEN RECORDED AND INDEXED AMONG THE JUDGMENT RECORDS IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN THE COUNTY WHERE THE LAND LIES, OR IS RECORDED AND INDEXED ON THE TAX ROLLS OF THE SUBDIVISION. ANY SUBDIVISION, IN LIEU OF RECORDING IN THE APPROPRIATE COURT, MAY USE A LIEN REPORTING SYSTEM, AND ANY SUBDIVISION SO DOING SHALL PROVIDE, ON REQUEST, A LIEN REPORT OR MEMORANDUM WITH RESPECT TO ANY PARTICULAR PERSON.

It is mandatory that the Collector of Taxes sell, at the time prescribed by local law, any property on which taxes are in arrears, PURSUANT TO § 14-808 ET SEQ. OF THE TAX-PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

§ C-820 Purchasing and Contracts

[Amended 12-10-2012 by Res. No. R-13-14]

- (a) The Council shall have the power to provide by ordinance for rules and regulations regarding purchasing procedures such as the use of competitive bids.
- (b) The City MANAGER may spend up to ~~seventy-five~~ five thousand dollars (\$75,000) without Council approval that has been approved by the fiscal year budget for supplies, materials, equipment, construction of improvements, services, and city-related expenses. The City ~~Administrator~~ MANAGER shall obtain Council approval (which approval may be made by resolution or motion) for any expenditures for supplies, materials, equipment, construction of improvements, services, and city-related expenses in excess of ~~seventy-five thousand (\$75,000). and up to one hundred and fifty thousand (\$150,000).~~ Except as otherwise provided in this § C-820, the provider of any supplies, materials, equipment, construction of improvements, services and city-related expenses costing in excess of ~~one hundred and fifty~~ FIVE thousand (\$150 5,000) shall be selected by competitive bid as established by this Charter and ordinances of the Council and any such expenditures shall be made on written contract. The City Administrator shall be required to advertise for sealed bids for any such written contract in such manner as may be prescribed by ordinance. Any such written contract shall be awarded to the bidder who offers the lowest or best bid and the best quality of goods and work and time of delivery or completion, with the responsibility of the bidders considered. By Resolution, the Council may approve or authorize one or more appropriate officials to approve any such written contract before the same becomes effective. The Council shall have the right to reject bids and readvertise. The city, at any time in its discretion, may employ its own forces for the construction or reconstruction of public improvements without advertising for (or readvertising for) or receiving bids. All written contracts may be protected by such bonds, penalties and conditions as the city may require.
- (c) The Council may exempt contracts involving professional services in excess of ~~one hundred fifty~~ FIVE thousand dollars (\$150 5,000), including (without limitation) accounting, architectural, auditing, consulting, computer maintenance and support services, engineering, legal, planning, or surveying services, from competitive bidding and any such written professional services contracts

may be negotiated by the City ~~Administrator~~ MANAGER with the approval of the Council or by the Council itself. By Resolution, the Council may (1) provide for the exemption of any such written professional services contract from competitive bidding and (2) approve or authorize one or more appropriate officials to approve the written contract for any such negotiated professional services.

- (d) Except with the respect to the selection of the primary development entity with which the city shall enter into any public-private partnership (which selection of such primary entity shall be made in accordance with the provisions of subsection (b) above), the Council may exempt contracts with individuals or entities involving supplies, materials, equipment, construction of improvements, services or city-related expenses in excess of ~~one hundred fifty~~ FIVE thousand dollars (~~\$150~~ \$5,000) to be entered into in connection with any public-private partnership undertaken by the city from competitive bidding and any such written ancillary public-private partnership contracts may be negotiated by the city administrator with the approval of the council or by the council itself. By resolution, the Council may (1) provide for the exemption of any such written ancillary public-private partnership contract from competitive bidding and (2) approve or authorize one or more appropriate officials to approve the written contract for any such ancillary public-private partnership supplies, materials, equipment, construction of improvements, services, or city-related expenses. The provisions of this subsection (d) shall be liberally construed in connection with any public-private partnership undertaken by the city.

§ C-909 Employee Benefit Programs

The City by ordinance may provide for or participate in hospitalization or other forms of benefit or welfare programs for its officers and employees and may expend public moneys of the City for such programs. THE CITY COUNCIL SHALL APPROVE ANY BENEFIT PROGRAM ON AN ANNUAL BASIS.

§ C-910 Prohibitions

~~No person shall hold more than one City office or position at any one time, nor shall any person holding any City office, or position have outside business interest in commercial enterprise doing business with the City. For the purpose of this section City office or position shall mean all elective, appointive and classified positions of the City with no distinction made between paid or unpaid positions.~~ NO PERSON SHALL HOLD ANY ONE POSITION AT ONE TIME, UNLESS THE COUNCIL DETERMINES THAT AN INTERIM CAPACITY NOT TO EXCEED ONE (1) YEAR IS NECESSARY UNTIL A VACANCY CAN BE FILLED. NO PERSON SHALL HOLD ANY CITY OFFICE, OR POSITION AND HAVE AN OUTSIDE BUSINESS INTEREST IN A COMMERCIAL ENTERPRISE DOING BUSINESS WITH THE CITY. FOR THE PURPOSE OF THIS SECTION CITY OFFICE OR POSITION SHALL MEAN ALL ELECTIVE, APPOINTIVE, AND CLASSIFIED POSITIONS OF THE CITY WITH NO DISTINCTION MADE BETWEEN PAID OR UNPAID POSITIONS.

§ C-1302 Condemnation

The City shall have the power to condemn property of any kind, or interest therein or franchise connected therewith, in fee or as an easement, within the corporate limits of the City, for any public purpose. Any activity, project, or improvement authorized by the provisions of this Charter or any other State Law applicable to the City shall be deemed to be USED FOR A public purpose. The manner of procedure in case of any condemnation proceedings shall be that established in Real Property Article of the Annotated Code of the Public General Laws of Maryland, title "Eminent Domain".

§ C-1402 Taking the Oath

The Mayor shall take and subscribe this oath or affirmation before the Clerk of the Circuit Court for Prince George's County or before one of the sworn deputies of the Clerk. In the event that the Clerk of the Circuit Court or one of the sworn deputies of the Clerk is unavailable to swear-in the Mayor and Council, the City Clerk, ~~Chief Operating Officer~~ CITY MANAGER or Chief of Police shall administer

the oath to the Mayor and Council. All other persons taking and subscribing the oath may do so before the Mayor. In the event the Mayor is unavailable or incapacitated then the Council President or the City Clerk or the ~~Chief Operating Officer~~ CITY MANAGER or the Chief of Police shall administer the oath.

§ C-1403 Official Bonds

The ~~City Treasurer~~ CHIEF FINANCIAL OFFICER AND ANY PERSON THAT HANDLES FUNDING FOR THE CITY SHALL BE BONDED and ~~such other Officers or employees of the City as the Council or this Charter may require~~, shall give bondS in such amount and with such surety as may be required by the Council. The premiums on such bonds shall be paid by the City.

§ C-1405 Misdemeanors

Every act or omission which, by ordinance, is made a misdemeanor under the authority of this Charter, unless otherwise provided shall be punishable upon conviction before any trial magistrate or in the court for the County within which the offense is committed by a ~~fine not exceeding one thousand dollars (\$1,000.00)~~ MISDEMEANOR. THE MINIMUM FINE FOR A MISDEMEANOR SHALL BE IN THE AMOUNT OF ONE THOUSAND DOLLARS (\$1,000.00) NOT TO EXCEED FIVE THOUSAND DOLLARS (\$5,000) or imprisonment for thirty days in the County Jail, or both, in the discretion of the court or trial magistrate. ~~The party~~ ALL PARTIES aggrieved shall have the right to appeal as is now provided under the general laws of the State. Where the act or omission is of a continuing nature and is persisted in a conviction for one offense shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

§ C-1502 Continuance of Office or Employment

Except as specifically provided by this Charter, if at the time this Charter takes effect a City officer or employee holds any office or position which is or can be abolished by this charter, he OR SHE shall continue in such office until the specific provision under this Charter directing that he OR SHE vacates the office or position becomes effective.

Article XVI STATE OF EMERGENCY

§ C-1601 Declaring an Emergency.

- (a) The Mayor OR THE CITY MANAGER shall have the ability to declare a local state of emergency within the limits of the City of Seat Pleasant. The declarations of emergency can be made prior to, during or after a natural disaster, civil unrest, armed conflict, medical pandemic or epidemic or other biosecurity risk. This action may be taken by the Mayor OR CITY MANAGER (with the assistance of a City Attorney if needed). Such a ~~proclamation~~ DECLARATION must be confirmed by the City Council within three days. Once the local state of emergency is declared, it remains in effect for a period of no more than seven days unless extended by the City Council. Once the local state of emergency is declared, continued, or terminated, it shall be ~~given prompt and general publicity~~ IMMEDIATELY PUBLISHED, and filed promptly ~~accordance~~ with the OFFICE OF THE CITY CLERK'S official records-keeping department.

SECTION 3. BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that, in this Resolution, unless a section of the Charter is expressly repealed in its entirety and reenacted, new, or added language is underlined, and deleted text is enclosed in double parentheses. Language added after the date of introduction is in italicized type and text deleted after the date of introduction is enclosed in bold brackets.

SECTION 4. BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that if any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Resolution, it being the intent of the Council that this Resolution shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

SECTION 5. BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that to the extent that any section of the Charter is in conflict with the provisions of Sections I of this Resolution, such section or sections be and hereby are repealed to the extent of such conflict.

SECTION 6. BE IT FURTHER RESOLVED BY THE BY THE CITY COUNCIL OF THE CITY OF SEAT PLEASANT that the date of passage of this Resolution is October 4th, 2021, and the Charter amendment enacted by this Resolution shall become effective upon the fiftieth (50th) day after passage, or on November 23, 2021, unless a proper petition for a referendum hereon shall be filed on or before the fortieth (40th) day after passage, or on November 10, 2021 as provided by law. A complete and exact copy of this Resolution shall be posted at City Hall, 6301 Addison Rd., Seat Pleasant, Maryland 20743, or another main municipal building or public place, for a period of at least forty (40) days following its passage, or until November 23, 2021, and the title to this Resolution, being a fair summary of the Charter amendment enacted hereby, shall be published in a newspaper of general circulation in the City not less than four (4) times, at weekly intervals within a period of at least forty (40) days, starting immediately after the date of its passage, or between October 14th, 2021 and November 4, 2021.

SECTION 7. BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that as soon as the Charter amendments adopted by this Resolution shall become effective, either as herein provided or following a referendum, the City Clerk or the chief executive officer of the City shall send by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to the Department of Legislative Services of the State of Maryland, the following documents or information concerning the Charter amendments herein: (1) the complete text of this Resolution; (2) the date of the referendum election, if any, held with respect thereto; (3) the number of votes cast for or against this Resolution by the Council or in a referendum; and (4) the effective date of the Charter amendments.

SECTION 8. BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that the City Clerk is hereby authorized and directed to carry out the provisions of Sections 7 and 8 hereof; and as evidence of compliance herewith, the City Clerk shall cause to be affixed to the minutes of the Council for the meeting at which this Resolution is adopted: (1) a certificate to the effect that this Resolution was duly and properly posted as provided in Section 7 herein; (2) an appropriate certificate of publication in the newspaper in which the fair summary of the Charter amendments herein shall have been published as provided in Section 7 herein; and (3) the return receipt of the mailing as provided in Section 8 herein; provided, however, that failure to comply with any of the foregoing shall not invalidate this Resolution.

COUNCIL OF THE CITY OF SEAT PLEASANT

DocuSigned by:

Monica Higgs

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Monica Higgs, Councilmember

DocuSigned by:

Hope Love

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Hope Love, Councilmember

DocuSigned by:

Shireka McCarthy

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Shireka McCarthy, Councilmember

DocuSigned by:

Kelly Porter

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Kelly Porter, Councilmember

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Gerald R. Raynor, Sr.

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Gerald R. Raynor, Sr., Councilmember

Kizzie Scott, Councilmember

DocuSigned by:

Gloria L. Sistrunk

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Gloria L. Sistrunk, Councilmember

ATTEST:

DocuSigned by:

Dashaun N. Lanham

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Dashaun N. Lanham, CMC
City Clerk

Approved for Legal Sufficiency:

DocuSigned by:

Jason DeLoach

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Jason DeLoach, Esq.

Date: 10/6/2021

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

((Double Parenthesis)) indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike Out~~ indicates matter stricken from bill by amendment or deleted from the law by amendment.